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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Security of United Nations personnel

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 1998/37, the Commission, gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts, called upon all States and others concerned to respect and ensure respect for the rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of United Nations operations, to provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in the fulfilment of the mandate of a United Nations operation, to grant the representative of the competent international organization immediate access to such personnel, to allow independent medical teams to investigate the health of detained United Nations and other personnel and to afford them the necessary medical assistance, to allow representatives of the competent international organization to attend hearings involving United Nations and other personnel provided that such attendance was consistent with domestic law, to ensure the speedy release of United Nations and other personnel who had been arrested or detained in violation of their immunity in accordance with relevant conventions and applicable humanitarian law, and to ensure that the perpetrators of unlawful acts against United Nations and other personnel were held accountable for their actions. The Commission also called upon States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel.

2. The Commission requested the Secretary-General to submit to it at its fifty-sixth session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who were imprisoned, missing, or held in a country against their will, on new cases which had been successfully settled as they related to the principles set out in the International Covenants on Human Rights, and on the implementation of the measures referred to in resolution 1998/37. The present report is submitted pursuant to that request.

3. In accordance with resolution 1998/37, on 22 September 1999 the Secretary-General addressed a note verbale to all Member States requesting information relevant to the implementation of the resolution. Requests for information were also sent on the same date to the United Nations agencies concerned and to relevant international organizations.

4. A response to the note verbale was received from the Government of New Zealand.

5. Responses were received from the International Atomic Energy Agency, the International Civil Service Commission, the International Labour Office, the International Trade Centre, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations University, the World Federation of United Nations Associations and the World Meteorological Organization.

II. INFORMATION RECEIVED FROM GOVERNMENTS

New Zealand

6. The Government of New Zealand reported measures it has taken to ensure the safety and security of United Nations personnel and to ensure that the perpetrators of unlawful acts against United Nations and other personnel are held accountable for their actions. Specifically, the Government reported that New Zealand ratified the Convention on the Safety of United Nations and Associated Personnel on 16 December 1998. The Crimes (Internationally Protected Persons and Hostages) Amendment Act (1998), which amended the Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act (1980), implemented the Convention in New Zealand law. The New Zealand Government welcomed the Convention's entry into force on 15 January 1999.

III. VIEWS AND COMMENTS OF UNITED NATIONS BODIES AND AGENCIES, AND OF OTHER ORGANIZATIONS

7. The International Atomic Energy Agency, the International Trade Centre, the International Labour Office, the United Nations University, the World Federation of United Nations Associations and the World Meteorological Organization reported that they did not have staff members imprisoned, missing or held in a country against their will.

8. The International Civil Service Commission, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs noted that the United Nations Security Coordinator was in possession of all information on the security of their staff. These organizations deferred to the information supplied by that Office.

9. The United Nations Security Coordinator is preparing a comprehensive report for submission to the General Assembly on this topic.

10. The United Nations Relief and Works Agency for Palestine Refugees in the Near East reported that the number of UNRWA staff members who had been arrested and detained had increased to 73 from 61 in the previous reporting period. Most of the staff concerned had been released after relatively short periods of detention.

IV. INFORMATION PROVIDED BY THE FEDERATION OF INTERNATIONAL CIVIL SERVANTS' ASSOCIATIONS

11. The Federation of International Civil Servants' Associations (FICSA) expressed its deepest concern over the current conditions of safety and security of United Nations staff. It noted that the safety and security of United Nations staff has deteriorated considerably over the past years and that today, more than ever before, United Nations staff were victims of kidnapping, arrest, rape, attack, theft, expulsion, harassment and murder.

12. FICSA noted that working for the United Nations made people potential targets for violence.

13. In particular, FICSA is worried about the situation of locally recruited United Nations staff. It noted that, since 1993, 95 per cent of United Nations staff who have been killed were locally recruited. An area of concern for FICSA is the situation of locally recruited staff in times of evacuation. While internationally recruited staff are evacuated, local staff are abandoned.

14. In the light of the ongoing security threats to United Nations staff in the field, FICSA continues to urge the United Nations and its specialized agencies to harmonize security measures for United Nations staff so that they apply to international and local staff equally.

15. In particular, FICSA encourages the United Nations to take concrete action, and urges the harmonization of security measures for all United Nations staff in the next revision of the Field Security Handbook, which is scheduled for 2000. The revision, in its view, should also undertake the harmonization of safety and security measures to ensure that all persons suspected or accused of crimes against United Nations staff members are brought to trial before the International Criminal Court and that offices are relocated and/or activities and programmes suspended as required to ensure the safety and security of staff.

V. STATUS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

16. In its resolution 49/59, the General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999, 30 days after 22 instruments of ratification, acceptance, approval or accession had been deposited with the Secretary-General.

17. As of October 1999, there were 43 signatories and 29 parties to the Convention.